

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

HERBERT B. KINCHEN,

Defendants.

**4:18CR3075**

**ORDER**

Defendant Kinchen has moved to continue the pretrial motion deadline, (Filing No. 27), because Defendant needs additional time to review discovery before deciding if pretrial motions should be filed. The motion to continue is unopposed. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant Kinchen's motion to continue, (Filing No. 27), is granted.
- 2) **As to both defendants**, pretrial motions and briefs shall be filed on or before September 21, 2018.
- 3) Trial of this case is continued, and **as to both defendants**, it is now set to commence before the Honorable Richard G. Kopf, Senior United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at 9:00 a.m. on October 22, 2018, or as soon thereafter as the case may be called, for a duration of four (4) trial days. Jury selection will be held at commencement of trial.
- 4) The ends of justice served by granting the motion to continue outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, and **as to both defendants**, the time between today's date and September 21, 2018, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because although counsel have been duly diligent, additional time is needed to adequately prepare this case for trial

and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1), (h)(6) & (h)(7). Failing to timely object to this order as provided under this court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

Dated this 20th day of August, 2018.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge